IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO.383 OF 2006

Smt.Asha Vasant Mhatre : Petitioner

V/s.

State of Maharahstra & Anr. : Respondents

...

WITH

CRIMINAL APPLICATION NO.122 OF 2006

In

CRIMINAL WRIT PETITION NO.383 OF 2006

Smt.Asha Vasant Mhatre : Petitioner

V/s.

State of Maharashtra : Respondent

And

Nilesh Vasudeo Sawant : Intervenor/ Applicant

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Mr.Ganesh Gole for the petitioner.

Mr.D.S.Mhaispurkar, Addl. Public Prosecutor for the State.

Mr.A.S.Navale for the applicant/intervenor.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JULY 10, 2006.

P.C.

1. This petition was filed by Smt.Asha Vasant Mhatre. In this petition, there was an order of the Division Bench dated 1.3.2006 giving liberty to the petitioner to approach the police and the police were to register a complaint and investigate the same. The Writ Petition came to be filed by the petitioner because F.I.R. was not registered. When the matter appeared before us earlier, we directed the police to comply with the order of the Division Bench. Accordingly, a statement is made that a F.I.R. under section 420 of the Indian Penal Code has been registered.

2. In the meanwhile, an intervention application came to be filed. We have heard both Mr.Gole for the petitioner and Mr.Navale for the intervenor. Now that the F.I.R. has been registered, pursuant to the order of this Court, it will be better for the intervenor to challenge the F.I.R. on all grounds available to him, including the facts disclosed and not disclosed in the affidavit filed by the petitioner in the petition before the appropriate forum. Counsel for the petitioner states that within two weeks from today, the petitioner will file necessary petition before the appropriate Court. The interim protection will continue for a period of three weeks from today only on condition that a petition will be filed within two weeks from today. The intervenor and his wife

to give full co-operation to the Investigating Officer of Vishnunagar police station who has registered the F.I.R.

3. The petition and Criminal Application No.122 of 2006 stand disposed of.

D.G. DESHPANDE, J.

S.A. BOBDE, J.